

SENATE BILL 3644

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 62,  
relative to locksmith licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-11-103, is amended by deleting subdivision (13) in its entirety and by substituting instead the following:

( ) "Locksmith apprentice" means any natural person, not a locksmith, who is providing locksmithing services with or without compensation under the supervision of a licensed locksmith and who is employed by, hired by, or associated with any sole proprietorship, partnership, or corporation providing locksmithing services;

SECTION 2. Tennessee Code Annotated, Section 62-11-103, is further amended by adding following language as new definition:

( ) "Registered employee" means any natural person, neither a locksmith nor a locksmith apprentice, who has access to key codes, diagrams, masterkey system records, bitting records, safe combination records, bypass methods, or any other information on the locks, safes, access control systems of any client, or customer of any locksmith or locksmith apprentice. A registered employee may perform limited locksmithing services at the physical location of the shop of their employment;

SECTION 3. Tennessee Code Annotated, Section 62-11-104, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) No partnership, association, company, or corporation shall engage in, or hold itself out as engaging in, the business of locksmithing in this state without first registering as a locksmith business in accordance with this chapter. No person, partnership, association, corporation, or local or state governmental employee shall engage in, or

hold themselves out as engaging in, the business of locksmithing in this state without first registering or licensing any employee, agents, or contractors operating as locksmith apprentices or locksmiths in accordance with this chapter.

SECTION 4. Tennessee Code Annotated, Section 62-11-104, is further amended by deleting subsection (b) in its entirety and by substituting the following:

(b) Persons not licensed in accordance with this chapter shall not provide any locksmithing services in violation of this chapter or any rule adopted pursuant to this chapter. A person or business who is not licensed under this chapter shall be prohibited from using designation of "locksmith," "locksmith apprentice" or "locksmith company," designation which compounds, modifies or qualifies the words "locksmith," "locksmith apprentice" or "locksmith company" or which gives or is designed to give the impression that the person or business using such designation is a locksmith, locksmith apprentice or locksmith company.

SECTION 5. Tennessee Code Annotated, Section 62-11-104, is further amended by adding a new subsection (l):

(l) All persons or entities licensed or registered pursuant to this chapter shall conduct business from a permanent verifiable geographic location and in compliance with the unfair or deceptive practices prohibitions as provided at § 47-18-104(b)(32).

SECTION 6. Tennessee Code Annotated, Section 62-11-106, is amended by deleting subsection (12) and by substituting instead the following:

(12) Deny, suspend or revoke any license, licensure, or renewal issued or to be issued in accordance with this chapter to any applicant, registrant, or licensee who fails to satisfy the requirements of this chapter, or for any of the reason specified in § 62-11-109, or for failure to follow the rules established by the commissioner.

SECTION 7. Tennessee Code Annotated, Section 62-11-111(a), is amended by

deleting subdivision (7) in its entirety and by substituting instead the following:

(7) Statements of any criminal records. Certain criminal convictions may disqualify an applicant for licensure as a locksmith; however, rehabilitation of individuals with a criminal record may be considered in the commissioner's discretion. Persons convicted of offences involving fraud or theft shall not be entitled to be licensed as a locksmith.

SECTION 8. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) Locksmith licenses may be renewed up to ninety (90) days after their expiration by payment of the renewal fee in addition to a penalty established by the commissioner for each month, or portion thereof, which elapses prior to the time payment is tendered. In the event that the renewal payment is not tendered within the specified time, the locksmith shall submit a new application for licensure in accordance with the requirements for the issuance of a new license.

SECTION 9. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (i) in its entirety and by substituting instead the following:

(i) The commissioner shall not approve the renewal of a locksmith license for renewal until the commissioner has received written documentation that the applicant has completed all continuing education requirements.

SECTION 10. Tennessee Code Annotated, Section 62-11-112(b), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Statements of any criminal records. An applicant who has been convicted of certain crimes shall be prohibited from becoming licensed as a locksmith apprentice; however, rehabilitation of individuals with a criminal record or records may be

considered at the commissioner's discretion. Persons convicted of offenses involving fraud or theft shall not be entitled to be registered as a locksmith apprentice.

SECTION 11. Tennessee Code Annotated, Section 62-11-112, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) Locksmith apprentice registrants may receive a renewal certificate for up to ninety (90) days after the expiration of the original certificate by payment of the renewal fee; such registrants shall be subject to a penalty established by the commissioner for each month, or portion thereof, that elapses before payment is tendered. In the event that the renewal payment is not tendered within the specified time, the locksmith apprentice shall submit a new application for registration in accordance with the requirements for the issuance of a new license.

SECTION 12. Tennessee Code Annotated, Section 62-11-112, is further amended by adding the following language at the end of subsection (f):

Licenses as a locksmith apprentice shall be renewable only once.

SECTION 13. Tennessee Code Annotated, Title 62, Chapter 11, is amended by adding the following language as a new section.

Section 62-11-117.

(a) All employees of any sole proprietorship, partnership, corporation, association, public or private institution, or state agency, not a locksmith or a locksmith apprentice, with access to key codes, diagrams, masterkey system records, bitting records, safe combination records, bypass methods, or any other information on locks, safes, and access control systems, and who perform locksmithing services at the physical location of the shop of their employment shall be registered with the commissioner as a registered employee.

(b) Any person required to be registered as a registered employee shall make written application to the commissioner on forms prescribed by the commissioner. The application shall contain the name and address of the sole proprietorship, partnership, corporation, association, public or private institution, or state agency employing the registered employee, the names of all persons with a financial interest in the business entity, and the name of the licensed locksmith overseeing the employee. The commissioner shall verify that the named locksmith is currently licensed as a locksmith in this state. An application fee as set by the commissioner shall accompany the application. The application shall also include the following documentation:

- (1) Proof that the applicant is at least eighteen (18) years of age;
- (2) Two (2) sets of classifiable finger prints on standard applicant cards;
- (3) Two (2) recent color photographs of acceptable quality for identification;
- (4) Proof that the registered employee is or will be covered by the liability insurance of the locksmith company; and
- (5) Statements of all applicant criminal records. The commissioner may consider rehabilitation of applicants with a criminal record and may determine that certain criminal activities shall not prohibit the registration of such applicants. Applicants submitted by persons convicted of offenses involving fraud or theft shall not be approved by the department.

(c) If the application is satisfactory to the commissioner then the commissioner shall issue to the applicant a certificate as a registered employee, which shall include a registration number, an identifying photograph of the registered employee, the name and license number of the supervising locksmith, and the name and license number of the sole proprietorship, partnership, corporation, association, public or private institution, or

state agency. Such certificate shall be on public display in the office or other work area of the registered employee. A change in the name of the supervising locksmith shall require a new certificate to be issued, however a new application by the registered employee shall not be required.

(d) No registered employee shall do any work restricted to a licensed locksmith or locksmith apprentice except as provided in subsection (a), and such employee may be prosecuted pursuant to department rules and regulations as a person practicing locksmithing without a license; however, the registered employee shall be permitted to have incidental contact with tools deemed to be locksmithing tools.

(e) A registered employee shall not give or divulge to any person not licensed as a locksmith, locksmith apprentice, or registered employee in the employ of the same sole proprietorship, partnership, corporation, association, public or private institution, or state agency, any key codes, diagrams, masterkey system records, biting records, safe combination records, bypass methods, or any other information on the locks, safes, access control systems, or any other information pertaining to any proposed or installed master key system or lock or pertaining to any safe or vault bypass procedure.

(f) Registered employees shall secure all key codes, diagrams, masterkey system records, biting records, safe combination records, bypass methods, or any other information on the locks, safes, access control systems, or any information pertaining to any proposed or installed master key system or lock, or information pertaining to any safe or vault bypass procedure under such employees, control behind at least two (2) locks. All computer files containing key codes, diagrams, masterkey system records, biting records, safe combination records, bypass methods, or any other information on the locks, safes, access control systems, or any other information

pertaining to any proposed or installed master key system or lock, or information pertaining to any safe or vault bypass procedure shall be password protected.

(g) Registered employee certifications shall expire on the last day of the twenty-fourth month following their issuance or renewal, and shall become invalid on such date, unless renewed. Renewal must be received in the office of the commissioner not less than thirty (30) nor more than sixty (60) days prior to the expiration of the certificate.

(h) The commissioner shall establish a late renewal fee in the event that a registered employee renews a certificate after the expiration of the license.

(i) No registered employee shall be eligible to have a certificate renewed when the employee has failed to comply with the provisions of this chapter for sixty (60) days. In such instances, the registered employee shall submit a new application for certification in accordance with the requirements for the issuance of a new license.

SECTION 14. This act shall take effect on July 1, 2010, the public welfare requiring it.